

## FOURTH DAY.

Senate Chamber,  
Austin, Texas.

Friday, January 13, 1905.

Senate met pursuant to adjournment, President pro tem. Hanger presiding.

Roll call, quorum present, the following senators answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	Skinner.
Faulk.	Smith.
Faust.	Stokes.
Griggs.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Harper.	

## Absent.

Harbison.	Paulus.
McKamy.	Stafford.

## Absent—Excused.

Decker.	Hill.
Glasscock.	Holland.
Grinnan.	Meachum.

Prayer by Rev. Geo. W. Savage.

Pending the reading of the journal of yesterday.

On motion of Senator Davidson the same was dispensed with.

## BILLS AND RESOLUTIONS.

By Harbison and Barrett:

Senate bill No. 58, a bill to be entitled "An Act to repeal subdivision one (1), five (5), six (6), eight (8), eleven (11), twelve (12), thirty-one (31), thirty-three (33), thirty-five (35), thirty-eight (38), thirty-nine (39), fifty-one (51), fifty-five (55), fifty-nine (59); and to amend subdivision thirteen (13), of section one (1), of an act entitled 'An Act to amend article 5049, chapter one (1), one hundred and four (104), of the revised statutes relating to general occupation taxes.' Chapter eighteen (18) of the acts of the first special session of the Twenty-fifth legislature relating to taxes on certain occupations."

Read first time and referred to committee on state affairs.

## ADJOURNMENT.

On motion of Senator Hale, the senate at 3:25 o'clock p. m. adjourned until Monday morning at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORTS.

Enrolling Department,  
Committee Room,  
Austin, Tex., Jan. 13, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your committee on enrolled bills have carefully examined and compared senate bill No. 3, being "An Act appropriating twenty thousand dollars to pay the contingent expenses of the Twenty-ninth legislature, and find the same correctly enrolled and presented to the governor for his signature and approved at 2:40 o'clock p. m., this the 13th day of January, 1905.

TERRELL, Chairman.

Enrolling Department,  
Committee Room,  
Austin, Texas, January 13, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your committee on enrolled bills have carefully examined and compared senate bill No. 2, being "An Act appropriating one hundred and twenty thousand dollars to pay mileage and per diem of members and per diem of officers and employees of the Twenty-ninth legislature, and find the same correctly enrolled and presented to the governor for his signature and approval at 2:40 o'clock p. m., this the 13th day of January, 1905.

TERRELL, Chairman.

## FIFTH DAY.

Senate Chamber,

Austin, Texas, Jan. 16, 1905.

At the hour of 10 o'clock, the time the senate adjourned to, the president and president pro tem. both being absent, the senate was called to order by the secretary, Clyde D. Smith.

The chair ordered the roll called and the following senators answered to their names:

Barrett.	Martin.
Beaty.	Paulus.
Brachfield.	Skinner.
Chambers.	Smith.
Faulk.	Stafford.
Griggs.	Stokes.
Hale.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Looney.	

## Absent.

Faust.	Harper.
Hanger.	McKamy.
Harbison.	

## Absent—Excused.

Davidson.	Hill.
Decker.	Holland.
Glasscock.	Meachum.
Grinnan.	

There being no quorum present, on motion of Senator Beaty the senate took a recess till 11:30 o'clock today.

#### AFTER RECESS

At the hour of 11:30, President pro tem. Hanger having arrived, he proceeded to call the senate to order.

Roll call. The following senators answering to their names:

Barrett.	Martin.
Beaty.	Paulus.
Brachfield.	Skinner.
Chambers.	Smith.
Faulk.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Looney.	

#### Absent.

Faust.	Harper.
Griggs.	Martin.
Harbison.	

#### Absent—Excused.

Davidson.	Hill.
Decker.	Holland.
Glasscock.	Meachum.
Grinnan.	

No quorum present and, on motion of Senator Smith the senate adjourned till 2 o'clock p. m.

#### AFTERNOON SESSION.

The senate was called to order pursuant to adjournment, President pro tem. Hanger presiding. Roll call. The following senators answered to their names:

#### Present.

Barrett.	Looney.
Beaty.	Martin.
Brachfield.	Skinner.
Chambers.	Smith.
Faulk.	Stafford.
Faust.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Hicks.	

#### Absent.

Griggs.	McKamy.
Harbison.	Paulus.
Harper.	Stokes.
Hawkins.	

#### Absent—Excused.

Davidson.	Hill.
Decker.	Holland.
Glasscock.	Meachum.
Grinnan.	

No quorum present, and Senator Hicks moved a call of the senate for the purpose of securing and maintaining a quorum.

The motion being duly seconded, the secretary was ordered to call the roll, the following answering to their names:

#### Present.

Barrett.	Hicks.
Beaty.	Looney.
Brachfield.	Martin.
Chambers.	Skinner.
Faulk.	Smith.
Faust.	Stone.
Griggs.	Terrell.
Hale.	Willacy.
Hanger.	

#### Absent.

Harbison.	McKamy.
Harper.	Paulus.
Hawkins.	Stokes.

#### Absent—Excused.

Davidson.	Hill.
Decker.	Holland.
Glasscock.	Meachum.
Grinnan.	

The absentees, not excused, were as follows: Senators Hawkins, Paulus, Stokes, Harbison, Harper, McKamy.

The sergeant-at-arms was instructed to close the doors and bring in the absentees, or at least enough to make a quorum.

Senators Stokes, Hawkins and Paulus being announced at the bar of the senate, the chair announced a quorum present.

Prayer by the chaplain, Rev. H. M. Sears.

Pending the reading of the journal of yesterday,

On motion of Senator Faulk the same was dispensed with.

#### EXCUSED.

On motion of Senator Faulk, Senator Harper was excused from attendance upon the senate indefinitely, on account of business.

#### COMMITTEE REPORTS.

Standing committee reports being in order, quite a number were reported. (See Appendix for the reports.)

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-Ninth Legislature.

Austin, Tex., Jan. 16, 1905.

Hon. Geo. D. Neal, President of the  
Senate.

Sir: I am directed by the house to  
inform the senate that the house has  
passed the following:

House concurrent resolution No. 2,  
relative to printing the legislative  
manual.

House concurrent resolution No. 4,  
relative to making arrangements for  
electing a United States senator.

Respectfully,

BOB BARKER,  
Chief Clerk.

## BILLS AND RESOLUTIONS.

## BILLS.

By Senator Looney:

Senate bill No. 59, a bill to be entitled "An Act to amend title 59, Revised Civil Statutes of Texas, relating to the subject of insurance, by amending chapter 3, article 3089, making insurance companies insuring real property liable for the full amount of the policy in case of a total loss and in case of damage, for the full amount thereof; and by adding article 3089a, providing that in all cases where a loss occurs to property insured, the company liable and failing to pay when due and after demand, shall, in addition to the loss, pay 12 per cent on the amount as damages and reasonable attorneys' fees for collection, unless on or before the date for performance the insurer tenders the policy owner an amount equal to or greater than the amount recovered; and defining a tender within the meaning of the article; also by amending article 3093, defining who are agents, and prohibiting the rights of the insurance company to limit their authority so as to be binding on the insured; also amending chapter 5, added to title 58, by act of the Twenty-eighth legislature, approved March 27, 1903, by amending article 3096aa, providing that immaterial statements or misrepresentations made in the application for, or in the contract or policies of insurance, shall not avoid the policy of contract, providing that all such shall be held, representation and not warranties, providing conditions upon which defense may be made upon the ground of misrepresentation or untrue statements in the application or contract, providing that a substantial compliance with the "iron safe" clause will be sufficient, and that when the amount of the loss can be determined

with reasonable certainty from any inventory, books, memorandums or data taken, kept and produced it shall be a compliance with the contract; and by adding articles 3096aaa, providing the requisites of the notice, as to the payment of premiums, interest or installments so to be mailed by the insurance company and prohibiting the forfeiture or lapsing of such policy without first giving notice; providing that a misstatement of the age or occupation of the insured, unless such an age or occupation be prohibited by the contract, shall not forfeit the contract, and providing a settlement in such cases; also by amending article 3096bb, providing the circumstances under which the insurance company is estopped to set up forfeiture of the contract as a defense to any suit, and declaring void any agreement of the insured to waive such grounds of estoppel, and providing that the suicide of the insured, sane or insane, or his death while committing a felony or while engaged in a combat, shall be no defense, unless suicide or the commission of a felony or such combat was intended where the insurance was applied for; also by adding article 3096bbb, providing that the insured, beneficiary or assignee who under a life or term policy, where one or more premiums have been paid, has on ceasing to pay, the right under the contract to one or more different kinds of settlement, that he can exercise his option as to the settlement he will take; and providing that he will not be required to give any character of notice to the insurance company or to surrender the original policy or do any further act or thing, as a prerequisite to the enjoyment or enforcement of such settlement, and declaring any such provision in the contract void; also by adding article 3096ccc, prohibiting insurance companies, their officers, agents or representatives, from discriminating in favor of individuals, firms or corporations, between insureds, prescribing penalties and punishment therefor, defining the duties of the commissioner of agriculture, insurance, statistics and history, the attorney general, the district and county attorneys, and district judges, with reference to the enforcement of this article, providing for the bringing of suits or penalties due the state for violations and to forfeit the license franchise, permit or charter of any company offending, and on notice for the appointment of a receiver in such suits.

Read first time, and referred to judiciary committee No. 1.

By Senator Looney:

Senate bill No. 60, a bill to be en-

titled "An Act making it an offense punishable by fine and removal from office for any executive, legislative or judicial officer of the state, county, city or other municipal subdivision of the state, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the government of which such executive, legislative or judicial officer may be a member; prohibiting the payment of any such ineligible person out of any public funds, and providing for quo warranto proceedings to oust such offending official, and fixing the venue thereof."

Read first time, and referred to judiciary committee No. 2.

By Senator Hanger:

Senate bill No. 61, a bill to be entitled "An Act to regulate the practice of osteopathy and creating a board of examiners, providing for registration of certificates and providing penalties for violation of the act."

Read first time, and referred to the committee on public health.

By Senator Faulk:

Senate bill No. 62, a bill to be entitled "An Act to amend article 34, Penal Code of Texas, permitting persons under the age of nine years to be punished for the offense of perjury."

Read first time and referred to judiciary committee No. 2.

By Senator Smith:

Senate bill No. 63, a bill to be entitled "An Act to compel railroads and railway corporations to erect and maintain water closets at passenger stations, to regulate the same, to fix penalties and authorize suits therefor, with an emergency clause."

Read first time, and referred to judiciary No. 2.

By Senators Chambers and Terrell:

Senate bill No. 64, a bill to be entitled "An Act to amend article 790, of title 7, of the Code of Criminal Procedure of 1895, relating to confessions."

Read first time, and referred to judiciary committee No. 2.

By Senators Chambers and Terrell:

Senate bill No. 65, a bill to be entitled "An Act prohibiting parties who have been granted a divorce from marrying for a period of five years, and penalty therefor."

Read first time, and referred to judiciary committee No. 2.

By Senator Hicks:

Senate bill No. 66, a bill to be entitled "An Act to amend section 53, of article 642, chapter 2, title 21, of the Revised Statutes of Texas, and declaring an emergency."

Read first time, and referred to judiciary committee No. 1.

By Senator Griggs:

Senate bill No. 67, a bill to be entitled "An Act to authorize the creation of drainage districts within the several counties, and to make drainage improvements therein under the direction of the county commissioners court, and to issue bonds in payment therefor as authorized under the constitution and provisions of this act, and declaring an emergency."

Read first time, and referred to the committee on mining and irrigation.

By Senators Beaty and Hale:

Senate bill No. 68, a bill to be entitled "An Act to amend article 1088, title 28, chapter 2, Revised Civil Statutes of the State of Texas, relative to the duties of district clerks."

Read first time, and referred to judiciary committee No. 2.

By Senators Beaty and Hale:

Senate bill No. 69, a bill to be entitled "An Act to amend article 1148, title 29, chapter 2, Revised Civil Statutes of the State of Texas, relative to the duties of county clerks."

Read first time, and referred to judiciary committee No. 2.

By Senator Beaty:

Senate bill No. 70, a bill to be entitled "An Act to authorize the Texas and New Orleans Railroad company to sell the line of railroad now owned by it, extending from the city of Dallas to Sabine Pass, with the franchise and other property thereunto appertaining, to any railroad company heretofore incorporated under the laws of this state which does not own or have under its control a parallel or competing line, or to any railroad company which may hereafter be incorporated under the laws of this state with power to operate a railroad between the city of Dallas and Sabine Pass, and to authorize any such railroad company to purchase, own and operate said line of railroad, with the franchises and other property thereunto appertaining."

Read the first time, and referred to the internal improvement committee.

By Senators Terrell and Chambers:

Senate bill No. 71, a bill to be entitled "An Act to amend article 3049 of chapter 2, title 58, Revised Civil Statutes of the State of Texas, relating to insurance, and prescribing a penalty for failure to comply with the same."

Read first time, and referred to judiciary committee No. 1.

By Senator Terrell:

Senate bill No. 72, a bill to be entitled "An Act to amend title 17, chapter 17, of the Penal Code of the State of Texas, by adding thereto article 950A, which article prohibits persons owning personal property upon which there is a landlord's lien from transporting the same out of the

state, or disposing of same with intent to defraud the holder of the lien and providing a penalty therefor."

Read first time, and referred to judiciary committee No. 2.

By Senator Terrell:

Senate bill No. 73, a bill to be entitled "An Act to amend title 66, chapter 4, article 3328, of the Revised Civil Statutes of the State of Texas of 1895, relative to the time of the filing of chattel mortgages, deeds of trust or other instruments of writing intended to operate as a mortgage or lien upon personal property."

Read first time, and referred to judiciary committee No. 1.

By Senator Skinner:

Senate bill No. 74, a bill to be entitled "An Act to amend article 1547b, chapter 2, title 32, Revised Civil Statutes of the State of Texas, giving and granting to commissioners courts the authority to co-operate with the city council of any city or town in this state in the erection of a bridge or bridges within the corporate limits of such city or town, without submitting such matter to the voters of an election to be held in the county therefor."

Read first time, and referred to judiciary committee No. 1.

#### SPECIAL COMMITTEE REPORT.

Committee Room,

Austin, Texas, January 16, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your committee on contingent expenses, to whom was referred a resolution in regard to furnishing a bookkeeper and clerk for the sergeant-at-arms, and the appointment of two additional pages, have had the same under consideration, and I am instructed to report it back to the senate that it do pass with the following recommendations:

The president of the senate shall assign to the sergeant-at-arms' room one of the regular committee clerks already employed.

The president shall appoint, whenever in his judgment they may be needed, two extra pages.

PAULUS, Chairman.

The report was adopted.

#### SIMPLE RESOLUTIONS.

Senator Hawkins offered the following resolution:

Whereas, The last national democratic platform declared in favor of increasing the power of the "interstate commerce commission," and

Whereas, Relief against exorbitant interstate freight rates is imperatively

demanding by the people of Texas, therefore, be it

Resolved, by the senate of the state of Texas, that it is the sense of this body that what is known as the "interstate commerce commission act" should be so amended as to give the "interstate commerce commission" power to make, fix and establish interstate freight rates, and that our senators and representatives at Washington be earnestly requested to diligently support and vote for such an amendment to said law.

The resolution was adopted.

Senator Skinner offered the following resolution:

Senate Chamber Jan. 15, 1905.

To Hon. W. A. Hanger, President Pro Tempore Senate:

Whereas, Many, if not all, the members of the senate desire to send the senate Journal to a limited number of their constituents, for the purpose of keeping the people of the state informed as to the proceedings of the senate; and

Whereas, To give personal attention to such distribution would require time which should be appointed and applied to more serious matters; therefore be it

Resolved, That the president of the senate designate one of the clerks of senate to address and send out each day the senate Journal to such persons and parties as may be named by the several senators, not to exceed six in each senatorial district.

(Signed.) Skinner, Hale, Willacy, Griggs, Beaty.

The resolution was adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 2—ADOPTION OF.

The chair laid before the senate house concurrent resolution No. 2.

Be it resolved by the house of representatives, the senate concurring: That there be printed for the use of the house and senate three hundred copies of the Texas Legislative Manual, which shall contain the rules of the house, rules of the senate and the joint rules of senate and house, all of which shall be properly indexed; a list of the standing committees of the two houses, the names of the senators and representatives and their respective districts, the names of the officers of the house and senate, and of the representatives of the press in attendance, the constitution of this state and of the United States; and the committee on rules of the house acting with the senate committee on rules is hereby authorized and instructed to have said copies bound and printed as follows, to-wit: Two hundred copies to be bound in flexible morocco covers at



an extra cost of not exceeding 25 cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the public printer. Three-fourths of such copies of each binding shall be for the use of the house and one-fourth for the use of the senate, and they shall be paid for out of the contingent funds of the two houses, in the said proportions, provided said bound volumes be in the hands of the members of this house within thirty days from the passage of this resolution.

The resolution was adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 4—ADOPTION OF.

The chair laid before the senate house concurrent resolution No. 4:

Resolved by the house of representatives, the senate concurring therein, that a joint committee be appointed to be composed of three members of the house, to be appointed by the speaker of the house, and three members of the senate, to be appointed by the president of the senate, whose duty it shall be to make all arrangements necessary respecting the election of a United States senator from this state for the term of six years from March 4, 1905, and to report thereon to the senate and house of representatives respectively.

The resolution was adopted.

#### ADJOURNMENT.

On motion of Senator Smith the senate adjourned until tomorrow at 10 o'clock a. m.

#### APPENDIX A.

##### COMMITTEE REPORTS.

##### Judiciary No. 1.

Committee Room,

Austin, Texas, Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 25, "A bill to be entitled An Act to amend article 1012, title 27, chapter 14, Revised Civil Statutes of 1895, as amended by act approved April 17, 1899, of the Twenty-sixth legislature, regular session, relating to the employment of stenographers by the courts of civil appeals," have had the same under consideration, and I am instructed to report back to the senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room.

Austin, Texas, Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 18, "A bill to be entitled An Act to repeal chapter 86, of the Twenty-sixth legislature, known as senate bill No. 172. Being an act to create the office of state purchasing agent for the various eleemosynary institutions of the state of Texas; to define his duties, term of office, mode of qualification and compensation; to abolish the office or position of steward, quartermaster or other similar position in said institutions; to require all supplies to be purchased by said agent under competitive bids or contracts; to provide for the appointment of two clerks for said purchasing agent, and to make appropriation for their salaries and to define offenses committed under the operation of this act, and to provide penalties therefor, have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it be referred to the committee on state affairs.

HICKS, Chairman.

Committee Room,

Austin, Texas, Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 13, "A bill to be entitled An Act to amend article 361 of the Revised Statutes of the State of Texas, as adopted in 1895," have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1 to whom was referred

Senate bill No. 30, "A bill to be entitled An Act to amend the Revised Statutes of the State of Texas by adding thereto Art. 1034a," have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Tex., Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 33, a bill to be entitled "An Act to amend article 2956

of chapter 1, title 55, Revised Civil Statutes of the State of Texas, providing that all persons desirous of marrying in this state shall procure license authorizing its celebration, and declaring all marriages contracted, entered into or celebrated in any other manner null and void," have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it do pass.

HICKS, Chairman,  
Committee Room,

Austin, Tex., Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 36, a bill to be entitled "An Act to authorize the supreme court and the several justices thereof to issue writs of habeas corpus in certain cases," have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it do pass.

HICKS, Chairman,  
Committee Room,

Austin, Tex., Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 31, a bill to be entitled "An Act authorizing the appointment of temporary guardians of minors and their estates, regulating their duties and requirements, and the practice in relation thereto," have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it do pass.

HICKS, Chairman,  
Committee Room,

Austin, Tex., Jan. 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on judiciary No. 1, to whom was referred

Senate bill No. 54, a bill to be entitled "An Act to amend article 918a of the Revised Civil Statutes of 1895 so as to provide for the investment of sinking funds belonging to counties, cities and towns," have had the same under consideration, and I am instructed to report it back to the senate with the recommendation that it do pass.

HICKS, Chairman.

#### SIXTH DAY.

Senate Chamber,  
Austin, Texas, Jan 17, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal presiding.

Roll call. No quorum present, the following senators answering to their names:

#### Present.

Barrett.	Looney.
Beaty.	Martin.
Brachfield.	Paulus.
Chambers.	Schaller.
Faulk.	Smith.
Faust.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Hicks.	

#### Absent.

Harbison.	McKamy.
Hawkins.	

#### Absent—Excused.

Davidson.	Hill.
Decker.	Holland.
Glasscock.	Meachum.
Harper.	

There being no quorum present, Senator Hanger moved a call of the Senate for the purpose of securing and maintaining a quorum.

The motion being duly seconded, the Chair ordered the roll called, the following answering to their names:

#### Present.

Barrett.	Looney.
Beaty.	Martin.
Brachfield.	Paulus.
Chambers.	Skinner.
Faulk.	Smith.
Faust.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Hicks.	

#### Absent.

Harbison.	McKamy.
Hawkins.	

#### Absent—Excused.

Davidson.	Hill.
Decker.	Holland.
Glasscock.	Meachum.

#### ABSENTEES.

Senators Harbison, Hawkins, McKamy.

The Chair ordered the Sergeant-at-Arms to bring in the absentees, or at least enough to make a quorum.